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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,041	07/07/2003	Takenori Morinaga	62807-130	4695
7590 12/09/2005			EXAMINER	
McDermott, Will & Emery 600, 13th Street, N.W. Washington, DC 20005-3096			MOSSER, KATHLEEN MICHELE	
			ART UNIT	PAPER NUMBER
			3715	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PLM

Office Action Summary	Application No. 10/613,041	Applicant(s) MORINAGA ET AL.	
	Examiner Kathleen Mosser	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/07/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/07/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 3 and 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3, 5, 6 and 9 recite the limitation "said control unit". There is insufficient antecedent basis for these limitations in the claim. Claim 7 includes the recitation "control means provided a loud speech amplified a speech transmitted". It is unclear whether the limitations following the control means is intended show the functionality of the means or whether they are directed to further structural components. If intended to perform a function it is unclear exactly what function they relate to. Claims 8-10 inherent the deficiency through their dependencies.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tognazzini (US 5860023). Tognazzini teaches a system including: a computer unit connected to at least radio transmitter-receiver means and a display device (the central computer, Figures 9A and 9B), **claims 1 and 7**; a plurality of mobile terminal devices communicating with said computer unit via said radio transmitter-receiver means (Audience systems, Figures 1A and 2A), **claims 1 and 7**; control means incorporated in

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said computer unit to provide input information from said mobile terminal device on said display device (display interface, Figure 2B element 245), as in **claim 1**. The mobile terminal devices include PDAs (**claim 2**), see col. 2: 14-17 and col. 5: 52-56. The control means further including a computer program for controlling cursor position information (col. 8: 33-35, in the input interface), as in **claim 3**. Storage means connected to the computer unit (**claim 4**) are shown as hard disk drive 950. The control unit including a file acquisition unit together with a computer program for acquiring stored data from the storage means (**claim 5**) is shown in col. 10: 33-54. The control mean including information format transforming means for transforming data stored in said storage means to an information format for the mobile terminal (**claim 6**) is shown in col. 9: 43-64. The control means of **claim 7**, as best understood, are shown in col. 9: 65-67. A loudspeaker unit connected to the computer unit (**claim 8**) is shown as the PA system, element 914. The control means including "information synthesis and separation means" for combining the input information and speech information supplied from the mobile terminal device and separating the input information to be supplied to said display device and the speech information to be supplied to the loudspeaker (**claim 9**) are an inherent part of the computer system provided. In general operation all computer system separate incoming data streams (audio and video data) to the appropriate output device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (US 5860023) in view of Zilliacus (US 2003/0211856). Tognazzini teaches all features of the claimed invention as shown above but fails to teach that the mobile devices could be cellular telephones. Zilliacus teaches an audience polling system wherein users may receive information and transmit responses via a cellular phone (mobile phones), see paragraph 23. It would have been obvious to one of ordinary skill in the art to modify the system of Tognazzini to include a cellular phone as the mobile device, as taught by Zilliacus, so as to allow the user to perform the required functions using a device which they may be more comfortable with (Tognazzini, col. 5: 54-57).

Conclusion

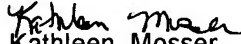
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Hedberg (US 6411275) teaches a system for converting information to specific formats for display on portable electronic devices
 - b. Stevens, III (US 5769643) teaches an educational system which operates over cordless telephone transceivers
 - c. Riggs (US 2003/0073065 A1) teaches an educational system where user's receive educational content via a PDA or other handheld device

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Mosser whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kathleen Mosser
Patent Examiner
Art Unit 3715

December 7, 2005